



ATTACHMENT D



1995 No 1074p

Monday the 23rd day of March 1998

BEFORE MR JUSTICE KELLY

BETWEEN

FRANK BONADIO AND ENCORET LIMITED

PLAINTIFFS

AND

PATRICK LEAHY AND BJORG CORPORATION LIMITED

DEFENDANTS

The Plaintiffs' Notice of Motion herein dated the 23rd day of January 1998 being called on for hearing on this day in the presence of Counsel for the Plaintiffs there being no appearance by or on behalf of the Defendants

On reading the said Notice of Motion the Master's Order herein dated the 26th June 1997 the Affidavit of Mary Flynn sworn on the 22nd day of January 1998 and on hearing said Counsel

*Mr. AFFIDAVITIS (2) OR LEAVE HAVING BEEN FILED IN COURT ON THIS DAY THE 26TH
OF JUNE 1997 OR LEAVE HAVING BEEN FILED IN COURT ON THIS DAY THE 26TH OF JUNE 1997*

IT IS ORDERED that the first and/or second named Defendant(s) their servants and agents or otherwise howsoever be permanently restrained and prohibited from stating and representing to any party that the first named Defendant herein is or was the sole inventor or an inventor of Dexterity the Amendments and Twist Valve

The Court doth declare that the first named Plaintiff is the sole inventor of Dexterity the Amendments and Twist Valve but that by virtue of an agreement made between the first named Plaintiff and the first named Defendant both are entitled to be registered as joint inventors of Dexterity the Amendments and Twist Valve

The Court doth declare that the first named Plaintiff and the first named Defendant are entitled to share equally in the profits derived from the use and exploitation of Dexterity the Amendments and Twist Valve by virtue of an agreement made between the said first named Plaintiff and the first named Defendant in relation thereto

IT IS ORDERED that the first and/or second named Defendant(s) their servants and agents or otherwise howsoever be permanently restrained and prohibited from registering patents and/or making patent filings in respect of Dexterity the Amendments and Twist Valve in any jurisdiction save only with the consent of the first and/or second named Plaintiff(s) herein and subject to the said registration and/or patent filing recording the fact that the first named Plaintiff herein was the inventor of the said Dexterity the Amendments and Twist Valve

IT IS ORDERED that the first and/or second named Defendants their servants and/or agents or otherwise however be permanently restrained and prohibited from registering patents and/or making patent filings which infringe incorporate or otherwise use Dexterity and/or the Amendments and/or Twist Valve

IT IS ORDERED that the first and/or second named Defendant(s) their servants and agents or otherwise howsoever be permanently restrained and prohibited from entering into any agreements for the manufacture and/or distribution of Dexterity the Amendments and Twist Valve and from entering into any licensing agreements in connection therewith save with the consent of the first or second named Plaintiff herein

The Court doth declare that the first named Plaintiff was and is entitled to ownership of 50% of the shareholding in the second named Defendant Company

THE HIGH COURT

The Court doth declare that 50% of the shareholding of the second named Defendant is held on trust for the use and benefit of the Plaintiffs

IT IS ORDERED that the first and/or second named Defendants do procure the transfer and/or allotment of shares and registration of the first named Plaintiff as a shareholder in respect of 50% of the shareholding of the second named Defendant Company

IT IS ORDERED that the first named Defendant and second named Defendant Company its servants and agents be permanently restrained and prohibited from taking any steps so as to alter or otherwise dilute the first named Plaintiff's shareholding in the second named Defendant Company

IT IS ORDERED AND ADJUDGED that the Plaintiffs do recover against the Defendants such amount as the Court may assess in respect of the Plaintiffs' claim herein for damages for breach of contract breach of trust and fiduciary duty breach of duty and for infringement of any patent granted or to be granted in respect of Dexterity and/or Amendments and/or Twist Valve or any invention embodying them and the costs of suit on taxation such costs to include the costs of this Motion and of the assessment and that such assessment be had before a Judge only and be set down for hearing accordingly

Liberty to apply in respect of (d) in the Plaintiffs' Statement of Claim

is secret
REGISTRAR

Binchys
Solicitors for Plaintiffs

A.C.J. : . . .
Malik
Skp